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COMMITTEE ON THE RIGHTS OF THE CHILD

Third session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 51st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 13 January 1993, at 3 p.m.

Chairman: Mrs. BADRAN

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* The summary record of the second part (closed) of the meeting appears as document CRC/C/SR.51/Add.1.

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The meeting was called to order at 3.10 p.m.

PREPARATORY ACTIVITIES RELATING TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 5)

1. At the invitation of the Chairman, Mr. Pace of the Centre for Human Rights, Coordinator of the World Conference on Human Rights, took a place at the Committee table.

2. Mr. PACE (Coordinator of the World Conference on Human Rights) said that as the provisional agenda of the World Conference had now been adopted, the substantive preparations for the Conference were well under way. In that regard, the fourth session of the Preparatory Committee, due to be held from 13 to 23 April, would be particularly important.

3. The first regional meeting for Africa had been held from 2 to 7 November 1992 in Tunis and a regional meeting for Latin America and the Caribbean would be held from 18 to 22 January 1993 in San José (Costa Rica). The Asian Group planned to hold a week-long regional meeting, provisionally scheduled in Bangkok from 22 March 1993.

4. Other so-called "satellite" meetings had also been planned. For example, UNESCO and the Centre for Human Rights planned to hold in Montreal in the second half of March, a meeting on the teaching of human rights and democracy; the Council of Europe would be holding a regional meeting in Strasbourg from 28 to 30 January, and the Nordic countries' ninth seminar on human rights and humanitarian law would be held at Lund (Sweden) from 18 to 21 January.

5. With regard to the studies and documentation requested by the General Assembly, most of the contributions expected from various experts had been received and would be converted into six prototype studies, each corresponding to one of the six objectives which the General Assembly had set the Conference in its resolution 45/155. In addition, 12 studies had been received from United Nations agencies such as UNESCO, UNICEF, UNHCR, ILO and WHO. For their part, the NGOs had submitted several communications. All those studies would be considered by the Preparatory Committee at its fourth session and then transmitted to the World Conference.

6. Mrs. SANTOS PAIS said that at their meeting on that issue, the persons chairing the treaty bodies had recommended that they should be given the opportunity to contribute to the analysis of the studies prepared for the World Conference. It would therefore be advisable for the Committee to be authorized to consider the study relating to the question of the rights of the child and invited to make its comments before the document was distributed.

7. On the question of representation at the various meetings planned, the Committee had expressed the hope, in its two previous reports, that all members of the treaty bodies would have the opportunity of attending the World Conference. Decisions had been taken to that end at meetings of the chairpersons of those bodies. Was it expected that the Committee on the Rights of the Child would be given the opportunity to be represented at the planned meetings?

8. Mr. PACE (Coordinator of the World Conference on Human Rights) said that in principle the participation of the treaty bodies was envisaged by the General Assembly. Moreover, experience had shown that the contribution of those bodies would be essential to the success of the Conference itself. Unfortunately, owing to certain delays - probably due to political factors - their participation had left a lot to be desired during the preparatory process. The treaty bodies should be represented not only at the Conference itself, but also at the preparatory meetings, including the fourth, which would be focusing on questions of substance, and the regional meetings. He was aware that an invitation to attend the regional meeting for Latin America and the Caribbean had been sent to the Committee on the Rights of the Child, and regretted that the Committee was not in a position to reply to it. It was therefore to be hoped that the Committee would have the opportunity of attending other satellite meetings. If there were any difficulties, consideration should be given to holding a special meeting of chairpersons of treaty bodies within the next few weeks in order to determine the policy they should pursue in the context of the preparations for the Conference. Since the treaty bodies were considered to be protagonists in the Conference on the same basis as Governments, national institutions and NGOs, he sincerely hoped that their cooperation would be reinforced in the following five months. Lastly, in response to a comment by Mrs. Santos Pais, he said that, as far as he could remember, none of the 12 studies submitted dealt specifically with the rights of the child.

9. Mr. HAMMARBERG said that item 11 of the provisional agenda for the Conference seemed to relate to the question of the rights of the child, in that it took into consideration the rights of vulnerable groups. Did the secretariat of the Conference intend to prepare a discussion on that item on the basis of a particular study? How could the Committee on the Rights of the Child or other bodies submit contributions in addition to the studies already received?

10. With regard to the participation of the Committee in the preparatory process, he supported the idea of organizing another meeting of chairpersons of treaty bodies with a view to adopting a common position vis-à-vis the fourth preparatory meeting. It was to be hoped that financial resources would be available for that purpose.

11. Had a decision been taken as to the number of members of each treaty body authorized to attend the World Conference? Lastly, it would be recalled that the Chairpersons of treaty bodies had recommended that the study carried out by Mr. Alston two years previously on the functioning of those bodies should be brought up to date. Were there plans to act on that recommendation?

12. Mr. PACE (Coordinator of the World Conference on Human Rights) said that the six studies to be prepared in the name of the Secretary-General of the Conference on the basis of drafts to be submitted would serve as prototypes in that they were intended only to encourage further analyses. The General Assembly had left the Secretary-General of the Conference considerable room for manoeuvre with regard to the admissibility of studies and documentation, so any specialized study from a treaty body would be welcome.

13. The question of the number of members of these bodies invited to participate in the World Conference had not been addressed and it would be up

to those bodies themselves to determine how they wished to be represented. At the same time, as considerable a presence as possible could only serve to enhance the exchange of information and experience, for the benefit of all.

14. With regard to financing of the additional meeting of chairpersons of the treaty bodies, he felt that he could propose, as Coordinator of the Conference, that the cost of such a meeting should be covered by the Conference budget. Lastly, it was planned to publish an updated version of Mr. Alston's study.

15. Mr. HAMMARBERG said that the Committee had, at a previous session, considered making a written contribution to the World Conference on the human rights problem raised by the situation of children in armed conflicts of a modern type. It had envisaged submitting to the World Conference either a draft resolution on the question or a longer text which would analyse the new trends which made the phenomenon an urgent problem, from the standpoint not only of humanitarian law but also of human rights. How could that question be dealt with so as to fit in with preparations for the Conference?

16. Mr. PACE (Coordinator of the World Conference on Human Rights) said that the best approach would be to present a written proposal on the question so that it could be taken into account in the annotated agenda of the World Conference. In that way the World Conference would, de facto, be seized of that subsidiary item or particular aspect of the agenda.

17. Mr. Pace (Coordinator of the World Conference on Human Rights) withdrew.

18. Mr. SWEPSTON (International Labour Organisation) said that as part of the preparatory activities for the World Conference on Human Rights and in cooperation with the Centre for Human Rights, ILO had organized a seminar on child bonded labour. A report on the work of that seminar, which included its conclusions and a programme of action against child bondage, had been issued in English and was available to all members of the Committee. In its contribution to the World Conference ILO was devoting considerable attention to the question of child labour.

19. Mr. MOMBESHORA said that at the previous session of the Committee it had been reported that ILO had organized meetings in Zimbabwe and Tanzania. Had the conclusions of those meetings been published?

20. Mr. SWEPSTON (International Labour Organisation) said he would ensure that the Committee received the relevant publications as soon as possible.

21. Mrs. POIRIER (United Nations Children's Fund) said that, as part of the preparatory activities for the World Conference, UNICEF had concentrated its efforts on the development of the rights of the child and the Convention on the Rights of the Child. UNICEF hoped that the Conference would thus provide an opportunity to address the rights of the child within the more general context of human rights, and not as a separate item. In addition, the link between the rights of the child and the rights of women should be given constructive consideration. In that respect, the UNICEF centre in Florence had published two studies which had been distributed to Committee members.

22. The CHAIRMAN, summing up the discussion on the contribution to the World Conference, said that the Committee had a choice between preparing a specific study on the rights of the child, and pressing for consideration by the members of the Committee of studies already prepared, prior to completion of their final version, in order to ensure that the rights of the child were properly covered in them. That latter option seemed the most appropriate, given the small amount of time available to the Committee to prepare or commission a separate study.

23. Mrs. SANTOS PAIS said the Committee should at least indicate in its report that, in accordance with the recommendation of the chairpersons of the treaty bodies, it should be represented in the working group set up to review the prototype studies. Although none of the studies submitted to the Preparatory Committee dealt specifically with the rights of the child, there was at least one in which it was decided to consider the rights of the child, and the implementation of the Convention on the Rights of the Child. It was therefore at that level that the Committee could take action.

24. Since the list of studies to be submitted to the World Conference had already been determined any new study prepared by the Committee might have a different status. That being so, the Committee might consider submitting a contribution containing, for example, its views on the situation of children in armed conflicts, rather than submitting a draft resolution.

25. The CHAIRMAN suggested that the outline of the study specifically concerning children and the implementation of the Convention should be addressed to all members of the Committee, or at least to the five members whose mandate did not expire in February 1993, so that they could examine it.

26. Mr. KOLOSOV considered that all 10 members of the Committee should work on the study and contribute to it.

27. The CHAIRMAN suggested that the secretariat should be asked to ascertain whether it would be possible for the 10 members of the Committee to participate in the World Conference.

28. Mrs. SANTOS PAIS proposed that the Committee should designate one or preferably more members to represent it in the group which was to review the study. The Committee should also ask to be sent all the studies, since they all might be of relevance to its work; all members might then have the opportunity to comment on them and those who would be representing the Committee might be in a better position to reflect the views of its 10 members.

29. The CHAIRMAN suggested that the study which contained elements relating to children should be examined by each member of the Committee and that each member might also look at a second study from among the remaining five, in the light of the fields in which he or she was most competent.

30. It was so decided.

31. After a discussion in which Mrs. SANTOS PAIS, Mr. HAMMARBERG and Mr. KOLOSOV took part, the CHAIRMAN suggested that Mr. Kolosov, assisted by other members of the Working Group on Children in Armed Conflicts, should

draft for the World Conference an explanatory document on recent trends and events involving children in armed conflicts and on shortcomings in international protection of the rights of the child, followed by a brief draft resolution for submission to the Preparatory Committee. He could draft the document on the basis of the text of the communication to be addressed to the General Assembly requesting the Secretary-General to undertake a study on children in armed conflicts.

32. It was so decided.

33. Mr. HAMMARBERG said that, as he understood it, it would be possible to make other contributions to the World Conference, in addition to those already envisaged. The Coordinator of the World Conference had not commented on the place which the question of the rights of the child would have in the studies. In case the question was only dealt with briefly, it might be necessary for the Committee itself to prepare a contribution on the rights of the child or to make a proposal concerning a more substantial contribution, possibly under agenda item 11.

34. The CHAIRMAN asked what form that contribution would take.

35. Mr. HAMMARBERG suggested that consideration of the question might be deferred until the end of the session, by which time the Committee would perhaps have a clearer idea of the documents that would be submitted and would have had contacts with certain other United Nations bodies and NGOs in order to see whether a more substantial contribution on the rights of the child could be made without the assistance of the Committee.

36. THE CHAIRMAN proposed, in accordance with Mr. Hammarberg's suggestion, that consideration of that question should be deferred.

37. It was so decided.

38. Mr. SANTOS PAIS, returning to the question of representation of the Committee in the preparatory process and at the World Conference itself, considered that the Committee should ascertain how it could be represented at the forthcoming regional meeting in Asia. She hoped that, despite the small amount of time remaining, the Committee could also be represented at the regional meeting to be held in Costa Rica. The Committee should perhaps reaffirm the value of holding a meeting of chairpersons of the human rights treaty bodies and regional human rights organizations, as the most recent meeting of chairpersons had proposed.

OTHER MATTERS (agenda item 13) (continued)

39. Mgr. BAMBAREN GASTELUMENDI reported on the first Latin American follow-up Meeting on the Convention on the Rights of the Child, held in Lima from 8 to 10 December 1992, convened by the Regional Collective for the promotion and follow-up of the Convention on the Rights of the Child and organized by the Rädda Barnen International organization. The report of the Meeting had been distributed to members of the Committee. The Collective, which comprised NGOs from 13 countries and 5 international NGOs, had decided to meet officially at least once a year. In May 1993, it would hold a special meeting to integrate new members from the Caribbean and Central America.

40. The Lima Declaration, which had been adopted in December 1992, was an important document: it assessed what had been done and envisaged the possibility of studying certain reports sent to the Committee on the Rights of the Child, and most importantly it dealt with the way in which the Convention was implemented in the countries of the region. It was encouraging to note that in various countries NGO members of the Collective had been invited by the Governments of their country to cooperate in implementing the Convention and drafting country reports.

41. The participants in the Lima Meeting had asked the Committee on the Rights of the Child to request Governments to observe the deadlines set for the communication and distribution of official reports on implementation of the Convention. They had also asked it to use all necessary channels to collect information from NGOs and thus to supplement and rectify official reports, to communicate its conclusions and recommendations on the reports not only to the diplomatic missions of the countries concerned but also to the organizations of those countries, to recognize and support national and regional NGOs which monitored implementation of the Convention, and to accord them consultative status. The latter point was important for collaboration with the Committee in the implementation of those recommendations; it should be ascertained to what extent that was possible.

42. Another very important point relating to implementation of the Convention was that the participants in the Lima meeting had not only called for the collaboration of Governments, but had also called on grass-roots organizations to play a more active part in ensuring implementation of the Convention and in promoting, recognizing and backing the initiatives taken by young people's organizations working to safeguard the rights of the child. Especially in the poorest zones, there were independent, non-political and essentially community-oriented organizations which took the social and legal implementation of the Convention very seriously. They made every effort to raise social awareness of the question of the rights of the child because in some countries, owing to a variety of circumstances, there was a tendency to treat children more or less as adults as far as the enforcement of laws and the administration of justice were concerned.

43. The Collective planned to launch a periodical on the situation of children and the implementation of the Convention in the Latin American region. That was important because in some countries such an initiative was difficult and might be hindered by lack of freedom and political pressures. A regional organization had more freedom and was taken more seriously. Lastly, a response should be made to the invitation to the Committee to participate in the meeting of the Collective to be held in May 1993.

44. THE CHAIRMAN requested the secretariat to reply to that invitation.

45. Mrs. SANTOS PAIS said that Mgr. Bambaren Gastelumendi's report demonstrated the interest taken in the Convention at all levels. It was encouraging to note how various partners had come to an agreement and begun to study together ways of promoting and implementing the rights of the child. It was very instructive to learn of that experience which, in addition to being very positive, might encourage other regions and other countries to do the same. With regard to consultative status, she supposed that the idea was not so much to accord official status, which might not be possible, as to enable

the Committee to maintain a dialogue with the NGOs. Not only did the Convention encourage the Committee to do that, but on various occasions the Committee had looked at that question and all its members had agreed on the very significant contributions the NGOs might make to their work and on the need to be in constant touch with them. NGOs might also be instrumental in mobilizing society for the purposes of the implementation and promotion of the rights of the child.

46. Mrs. POIRIER (United Nations Children's Fund) reported on a meeting of national NGO alliances held in Geneva in December 1992 and specifically devoted to the promotion of the rights of the child and the implementation and follow-up of the Convention on the Rights of the Child. UNICEF had been invited to that meeting. The objective had been to exchange experiences, to see how national alliances were organized, how they functioned and how cooperation was organized at the national level, and to determine whether an international network should be set up - a need that had been recognized - and whether collective thought should be given to the way in which the alliances could contribute to the work of the Committee. All the participants had considered that it was very important to have access to the results of the work of the Committee and to its comments on the reports of States parties, since they earnestly wished to contribute to the work of the Committee by providing it with information on the situation of the rights of the child in their country. UNICEF's role would be to facilitate their contributions in the official framing of national reports so that the reports of States parties might include the views of voluntary organizations, and to assist them in liaising with the Committee, in accordance with the procedures which the latter deemed appropriate. The participants had agreed to set up working groups on certain questions, one of which was relations with the Committee. In Geneva, the NGO group on the Convention would act as a channel both for information on what had happened in the international arena with regard to the rights of the child, and for assisting in collating national data, which would not necessarily be included in the reports of States parties but might interest the Committee and enrich its discussions.

47. Mr. KOLOSOV said that the Lima Declaration was an interesting and important document and provided an excellent structure for regional cooperation. He therefore suggested that the principal conclusions of the Declaration might be included in the Committee's report, in order to enable NGOs from other regions to refer to them.

48. Mrs. SANTOS PAIS considered that it would be difficult to include the many elements of the Lima Declaration in the Committee's report; on the other hand, in view of the Declaration's relevance to the future work of the Committee, consideration should also be given to the publication of the entire Declaration as a document of the Committee.

49. THE CHAIRMAN said that, in the absence of objections by other members of the Committee, part of the Lima Declaration would be contained in the report on the third session of the Committee on the Rights of the Child; the full Declaration would be published as a document of the Committee.

50. It was so decided.

The public meeting rose at 4.30 p.m.